

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1976

VILLAGE OF SAUGET, )  
Petitioner, )  
 )  
v. ) PCB 74-379  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

On December 15, 1975, the Environmental Protection Agency (Agency) filed a Motion to Dismiss as moot the Petition for Variance filed in the above-captioned matter on October 24, 1974. On December 22, 1975, Petitioner informed the Pollution Control Board (Board) of its concurrence in the Agency's Motion.


A hearing was held in this matter in Sauget, Illinois, on June 16, 1975. Petitioner sought a variance from Rules 404(b)(i) and 409 of the Water Pollution Regulations (Chapter 3). On July 17, 1975, the Board adopted an amendment to Rule 409 which extended the compliance dates of certain Chapter 3 Rules, including Rule 404(b)(i), which were required to be met on December 31, 1973 or December 31, 1974. The extension is to July 1, 1977 and applies to any discharger to the water of the state who is or will be eligible for a construction grant under Section 201(g) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) and has filed an application for such grant on or before December 31, 1975.

The Agency's Motion to Dismiss indicates that on January 6, 1975, the Director of the Agency informed the Petitioner, the City of East St. Louis and the East Side Levee and Sanitary District that the Agency would consider their grant eligible for purposes of Section 201(g) and thereby protected by Rule 409 of Chapter 3 if a "lead agency" was selected and agreed to proceed with the Step I grant application. The Petitioner and the other entities selected St. Clair County to act on their behalf as lead agency for Step I grant purposes. The County agreed and filed the proper application with the United States EPA. The United States EPA has approved a Step I grant and has offered \$451,800 to St. Clair County as lead agency for the Petitioner and other entities.

The Agency's Recommendation, filed on December 9, 1974, alleged that Petitioner was not grant eligible under Section 201(g) of the FWPCA and, therefore, Rule 409 did not apply to Petitioner. However, with the selection of a lead Agency to proceed with the Step I grant requirements the Agency considers Petitioner eligible under Section 210(g) of the FWPCA. Thus, the extension provisions of Rule 409, Chapter 3, apply to Petitioner, and the applicability of Rule 409 makes the requested variance moot. The Board, therefore, grants the Agency's Motion to Dismiss, and the cause is dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4-0 <sup>8<sup>th</sup></sup> day of January, 1976 by a vote of

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board